

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IZAYA MALDONADO, by Parent and Natural Guardian,
LUIS MALDONADO,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE BOARD OF EDUCATION
OF THE CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF EDUCATION OFFICE OF PUPIL
TRANSPORTATION, THE PIONEER TRANSPORTATION
CORPORATION, JOHN DOE, individually and as bus driver,
JANE DOE, individually and as bus aide, SUSAN ERBER,
individually and as Regional Superintendent of the District 75
Special Education Program, LORRAINE SESTI, individually
and as Principal of P.S. 17X, and J. Richberg, individually
and as a member of the Committee on Special Education
for Service District 75,

Defendants.
-----X

Case No: 2007 CV 09800
Rehoff, J.

NOTICE OF REMOVAL

All the defendants THE CITY OF NEW YORK, i/s/h/a BOARD OF EDUCATION OF THE
CITY OF NEW YORK, THE CITY OF NEW YORK i/s/h/a THE NEW YORK CITY
DEPARTMENT OF EDUCATION OFFICE OF PUPIL TRANSPORTATION, THE PIONEER
TRANSPORTATION CORPORATION, SUSAN ERBER, LORRAINE SESTI and J. RICHBERG
(collectively "Defendants") respectfully state as follows in support of this Notice of Removal
pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1331:

1. This action was commenced by the filing of a Summons and Complaint (annexed hereto
as exhibit "A") in the Supreme Court in the State of New York, County of Bronx. A notation on the
Summons gives the date of filing as 7/24/2007.
2. All Defendants are either (i) a municipal corporation, (ii) a privately held corporation
and/or (iii) individuals. All Defendants maintain their principal place of business and/or residence

within the state of New York.

3. Plaintiffs have commenced this action asserting a number of violations of federal statutes, including but not limited to, 29 U.S.C. §794, The Americans with Disabilities Act, 42 U.S.C. §12101, 42 U.S.C. §1983 and the equal protection clause of the 14 Amendment to the United States Constitution.

4. Venue is properly in the District Court as various federal questions, recited above, are stated herein.

5. The action is therefore one which may be removed to this Court pursuant to 28 U.S.C. §1441, because the Court has original jurisdiction pursuant to 28 U.S.C. §1331.

6. In a recent telephone conversation with defendant THE PIONEER TRANSPORTATION CORPORATION it was learned that it was served with the Summons and Complaint on October 4, 2007. This Notice of Removal will therefore have been filed within thirty (30) days after the receipt of the Summons and Complaint by the THE PIONEER TRANSPORTATION CORPORATION herein.

7. The undersigned has simultaneously served written notice of the filing of this notice on counsel for plaintiff (annexed as exhibit "B") and has filed the notice of filing of notice of removal (exhibit "C") with the Clerk of the Supreme Court of the State of New York, County of Bronx, pursuant to 28 U.S.C. §1446(d).

8. A copy of all process (annexed as exhibit "D"), pleadings (annexed as exhibit "A"), and orders (none to date) served upon the Defendants are annexed to this notice.

WHEREFORE, all Defendants, i.e., THE CITY OF NEW YORK, i/s/h/a BOARD OF EDUCATION OF THE CITY OF NEW YORK, THE CITY OF NEW YORK i/s/h/a THE NEW YORK CITY DEPARTMENT OF EDUCATION OFFICE OF PUPIL TRANSPORTATION, THE

PIONEER TRANSPORTATION CORPORATION, SUSAN ERBER, LORRAINE SESTI and J. RICHBERG, respectfully request that the action be remove from the Supreme Court of the State of New York, County of Bronx to the United State District Court, Southern District of New York.

Dated: New York, New York
November 5, 2007

Yours etc.,

SILVERMAN SCLAR SHIN & BYRNE PLLC

By: 

Wayne S. Stanton: (WS0754)
Silverman Sclar Shin & Byrne PLLC
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